

Appl No. 09/618,235

Amdt. Dated May 5, 2004

Reply to Office Action of 01/05/2004

Customer No. 27752

Remarks

Claims 1-21 are pending in the present application. No additional claims fee is due.

The Rejection under 35 U.S.C. 112, second paragraph

Claims 1-21 have been rejected under 35 U.S.C. 112, second paragraph as being indefinite. Under MPEP 2173.02, an Examiner must consider the claim as a whole to determine whether the claim apprises one of ordinary skill in the art of its scope, and therefore, serves the notice function required by 35 U.S.C. 112. Definiteness of a claim must be analyzed, not in a vacuum, but in light of: 1) the content of the particular application disclosure; 2) the teachings of the prior art; and 3) the claim interpretation that would be given by one possessing the ordinary level of skill in the pertinent art at the time the invention was made. In light of the application disclosure, the claims define the subject matter with a reasonable degree of particularity and distinctness, as required under MPEP 2173.02. Accordingly, Applicants respectfully submit that the rejection under 35 U.S.C. 112, second paragraph should be withdrawn.

Conclusion

WHEREFORE, Applicants respectfully request reconsideration of this application and allowance of Claims 1-21.

Respectfully submitted,

D.N. Rubingh, et al.

By Laura L. Fricko

Laura L. Fricko  
Agent for Applicants  
Registration No. 52,920  
(513) 626-2721

May 5, 2004

Customer No. 27752